

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

PAUL ZACK and JUDITH  
ZACK,

Plaintiffs,

v.

MCLAREN HEALTH PLAN,  
INC. and MCLAREN  
HEALTH ADVANTAGE,

Defendants.

Case No. 17-11253  
Hon. Terrence G. Berg

**ORDER VACATING ORDER TO SHOW CAUSE**

On February 12, 2019, the Court ordered Attorney Richard W. Warren to show cause why Rule 11 sanctions should not be imposed and/or why Defendant's Response to Plaintiff's Motion to Reopen Case (ECF No. 27) should not be stricken from the record for containing incorrect assertions. ECF No. 30. Mr. Warren filed his response to the order on February 18, 2019, ECF No. 31.

Upon review, the Court finds that Mr. Warren has adequately shown cause that Rule 11 sanctions are not appropriate under all the circumstances. However, it is clear that Defendant's Response to Plaintiff's Motion to Reopen Case, ECF No. 27, nevertheless contains an inaccurate characterization of this Court's previous Order and should therefore be stricken from the record.

Accordingly, the docket entry ECF No. 27 is hereby **STRICKEN**. Defendant may re-file its Response—containing only well-founded assertions—within three (3) days of the date of this Order.

**SO ORDERED.**

Dated: February 21, 2019 s/Terrence G. Berg  
TERRENCE G. BERG  
UNITED STATES DISTRICT JUDGE

**Certificate of Service**

I hereby certify that this Order was electronically filed, and the parties and/or counsel of record were served on February 21, 2019.

s/A. Chubb  
Case Manager